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HOME SCHOOL[®] LEGAL DEFENSE ASSOCIATION

Advocates for Family & Freedom

SENATE EDUCATION

EXHIBIT NO. 2

DATE 2-19-07

BILL NO. SB 458

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February 19, 2007

TESTIMONY OF DEWITT T. BLACK, III BEFORE THE MONTANA SENATE EDUCATION COMMITTEE REGARDING SENATE BILL 458

Mr. Chairman, Members of the Committee, Ladies and Gentlemen:

My name is Dee Black. I am Senior Counsel of Home School Legal Defense Association, a non-profit association whose primary purpose is to protect the right of parents to educate their children at home. Our office is located in northern Virginia within the Washington, D.C., metropolitan area. Our Association presently has over 80,000 member families in all 50 states and the District of Columbia, with approximately 400 member families in Montana.

My testimony is submitted in opposition to Senate Bill 458, which would require students in a home school to register with the county superintendent the same as public school students and impose an unreasonable deadline for doing so.

According to the language of the bill, the deadline for registration of home school students would be at least seven days before the beginning of the school district's fiscal year on July 1. This means that families would have to register their children by June 23 of each year. Presumably, county superintendents would deny any family the right to home school if they missed the deadline.

Equally if not more threatening to home schooling in Montana is the registration requirement itself. Current law requires home schools to notify the county superintendent of the student's attendance at the home school. Additionally, parents must maintain and make available for inspection by the superintendent attendance and immunization records. Thus, public school officials are already receiving sufficient information on home school students' enrollment. By *registering* the home school students with the county superintendent, they arguably become enrolled in the school district as public school students. This would entitle the school district to receive the same amount of state funds for a home school student as for a regular

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public school student, even though the school district was providing no services to the home school student. This would be a huge rip-off to the taxpayers of Montana.

Even more significant, if home school students become public school students, this will destroy home schooling in Montana by subjecting home school students to whatever requirements the public schools impose on them. Parents may be denied the right to use religious curricula in teaching their children. In fact, the Establishment Clause of the First Amendment to the United States Constitution has been interpreted to prohibit public school students from receiving instruction from religious-based materials. There is also the likelihood that school districts will attempt to impose unfair state testing on home school students who have not received instruction in the same content as their public school counterparts.

On behalf of our member families in Montana, we at Home School Legal Defense Association respectfully ask this Committee to vote against Senate Bill 458.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dewitt T. Black, III".

Dewitt T. Black, III
Senior Counsel